

**Stakeholders Submission for 3rd
Cycle of Universal Periodic Review**

State Under Review-

Nepal

Issue of Submission -

Decent Work and Labor Rights

Jointly Submitted by

Forced Labor Elimination Advocacy Group (FLeAG) and
National Child Protection Alliance

Secretariat

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**Stakeholders Submission on
Decent Work and Labor Rights Situation in Nepal
For 3rd Cycle of Universal Periodic Review**

A. Introduction

1. With almost 30 million population, Nepal remains 147th ranked on the Human Development Index with an average value of 0.579 (UNDP, 2019)ⁱ. Among the total population 51.6% are of female and the productive age (15-59 Years) population is 60.5% (CBS, 2017)ⁱⁱ. The per capita income of the Nepal is 1034 US\$ (CBS, 2019) and has 9,23,356 business and industries establishments in Nepal; among which only half of them are registered and another half are not registered and recorded in government system (Nepal Economic Survey, 2018)ⁱⁱⁱ. 30% of those establishment are owned and managed by women, 54% are owned and managed by young population (16-40 Years) with 1% owned by foreign investment. The establishment has an engagement of 3228457 persons with only 38% women as employee, manager or self-employed. The absolute poverty ratio is at 18.7% (National Account, 2018)^{iv}, where population with multidimensional poverty is 28.6%, where the urban population are only 7% multidimensional poor and rural are 33% poor (National Planning Commission, 2018)^v.
2. Nepal is Federal Democratic Republic Nation. With three tier governance system it has 753 local governments, 7 provincial governments and 1 federal government. The three tier of governance operates with the principle of Co-Existence, Cooperation and Coordination. Labor Administration and management are concurrent right of Federal and Province Governments. Local Statistic Management, Documentation of Unemployment Data and Wage confirmation of informal sector workers are mandates of local governments.
3. The Nepal Labor Force Survey III (2018) reports that the labor participation rate is 38.5% and 11.4% is unemployed working age population. Only 36.5% employment is in formal sector whereas 64% employment is informal and largely occupied by women workers in informal employment. The Asian Development Bank Basic Statistics Reports that 15% of employed population in Nepal has purchase power parity below 1.90 US\$. The Nepal Labor Force Survey III (2018)^{vi} reports Nepal has 31338 population in forced labor, whereas the Global Slavery Index (2018) reports 171 thousand population of Nepali workforce are victim of modern day slavery that includes forced labor^{vii}.
4. Forced Labor Elimination Advocacy Group (FLeAG) is a national coalition of Nepalese non-government organizations working on the area of labor relation with particular interventions on forced labor, child labor and labor trafficking. There are 22 NGO members of this coalition those are working in all 7 provinces with both traditional and modern forms of forced labor including child labor, traditional slavery, modern forms of slavery and human trafficking. The coalition members include victim/survivor led organizations as well. National Child

Protection Alliance (NCPA) is a national coalition of 43 NGOs working against child labor in Nepal. Swatantrata Abhiyan Nepal facilitates the operation of FLeAG and NCPA activities as secretariat. In 2nd cycle Swatantrata Abhiyan Nepal had submitted the stakeholders' submission on Labor Rights issue from Nepal.

5. The coalition collected information on the situation of decent work, child labor, forced labor and labor trafficking from 49 Nepali Non-government organizations working in 123 municipalities of all 7 provinces in Nepal. Further to this the drafting committee consulted with 13 experts and campaigners, reviewed 51 legal policy and research related documents. We hosted a national consultation having representation of civil society, media, parliamentarians, trade unions and other stakeholders to share and validate findings on the situation of decent work and labor rights. The report is prepared during the December 2019 -March 2020 period.
6. Due to the COVID-19 Crisis, the labor sector and workers are severely affected. Taking advantage of extended timeline, we together with our members did review and assessment on the effect of COVID-19 crisis, lock down with members through virtual consultation. A total 600 plus people were consulted on child labor, migrant workers, domestic workers, women workers and adult entertainment industries workers along with freed bonded labor communities' situation during April- June 2020. The submission reflect the perspectives and information provided by the participants in these consultation too.

B. Nepal's Legal Policy Commitments

7. Nepal has constitutionally guaranteed the commitment to decent work, fair labor relation and criminalized unfair and exploitative employment practices. The constitution of Nepal under Fundamental Rights Section has provisioned decent work and rights of workers in various articles that includes: Right to Labor (Art.34) provisioning right to appropriate remuneration, Access to Social Security, Form and Join Trade Unions, Engage in Collective Bargaining; Right to Employment (Art.33) provisions freedom of choice on employment and right to fair employment practices; Prohibition of Child Labor (Art. 39.4); and Affirmative Provisions to form laws to protect rights of laborers (Art. 18). Similarly, under State policies chapter the constitution has adopted state policy to strengthen competency of laborers, guarantee social security and basic rights for all laborers, abolish all forms of child labor and to regulate manage and promote safety and protection in foreign employment (Art. 51-I- Policies Related to Labor and Employment). The State Policy relating to social justice and inclusion (Art. 51. J) has to identify free bonded labors, *Kamlari*, *Haruwa*, *Charuwa* and

rehabilitate them by providing housing, housing plot for residence and cultivable land or employment for their livelihood.

8. The Government of Nepal has adopted domestic laws that directly address the protection of rights of workers. The laws includes National Civil Code (2017), National Labor Code (2017), Acts Related to Children (2018), Child Labor Prohibition and Regulation Act (2000), Foreign Employment Act (2007), Human Trafficking and Transportation Control Act (2007), Act against Sexual Harassment at Workplace (2014), Right to Employment Act (2018), Crime Victim Protection Act (2018), Contributory Social Security Act (2018). In addition to this the Right to Education Act (2018), Local Governments Operation Act (2017), Public Health Service Act (2018) are also related to the right to decent work and ending exploitation. Further the government of Nepal has also adopted National Employment Policy, Foreign Employment Policy, National Labor Policy, Occupational Safety and Health Guidelines in Brick Industries.
9. The government of Nepal is party to the seven out of nine core human rights conventions.^{viii} In addition, the government has also ratified 11 ILO convention including 7 fundamental conventions, 1 governance conventions and 3 technical conventions. Among the fundamental conventions Nepal has ratified ILO convention on forced labor 29 and 105, Convention 98 on Right to Organize and Collective Bargaining, Convention 100 on Equal Remuneration, Convention 111 on Discrimination (Employment and Occupation), Convention 138 on Minimum age for Employment and Convention 182 on Worst Forms of Child labor. It is also party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000 (*known as Palermo Protocol*). The Treaty Act of Nepal (1991) provisions that the provision of International treaties and convention that is Nepal party to are applicable as good as laws in Nepal. Nepal has not ratified ILO convention 189 on Domestic Workers and ILO Convention 190 on Violence at Workplace. Nepal has not ratified ILO convention 87 on Freedom of Association and Protection of Right to Organize, Convention 97 on Migration for Employment Convention, Convention 190 on Violence and Harassment Convention and also Protocol to ILO Convention 29 on Forced Labor. These conventions are highly relevant and important for promoting rights to be unionised and collective bargaining, in the context of almost 4 million Nepalese are migrant workers, having more than 200 thousand domestic workers and every year thousands of workers have been suffering harassment, violence, exploitation and forced labor in Nepal.
10. The National Civil Code (2017) section 640 on Employment Eligibility provision prohibition of employment of children under 14 years and employment of children

under 16 years in hazardous work. The National Civil Code also made it mandatory to pay wages as defined (Section 641), Apply adequate safety arrangements at workplace for employees (Section 642), The average working hours shall be limited to 8 hours a day and overtime work payment (Section 643). The Labor Act (2017) has provision equal opportunity and nondiscrimination on employment (Section 6), Prohibition of discrimination on wage (section 7), Freedom to form and join Trade Unions (Section 8), Mandatory contract and appointment letter for employment (Section 11), Average Working hours shall be limited to 8 hours with 30 minutes break after 5 hours (Section 28), Overtime Paid work provision without exceeding 4 hours/day and 24/hours week (Section 29 31), Transport facilities for night time women workers (Section 33) and weekly off day as well as other paid leave facilities (Part 9). The Labor Code has provision itself as applicable to all workers and as minimum national standard to be applied. In addition to the laws, the government of Nepal has adopted National Employment Policy (2014) and Foreign Employment Policy (2011).

11. Nepal received a total of 24 recommendations with focus on rights of labor in 2nd cycle of Universal Periodic review. The recommendations are mainly focused on Amendment of Child Labor Act to include informal sector child laborers, facilitate access to education for all children, implement plan of action to end all forms of child labor by 2020, implement minimum wage in all sector, take measures for eliminating forced and bonded labor and take efforts to rehabilitate them with access to fertile land, promote decent work in employment, collaborate with civil society and regional and global organizations for protecting rights of migrant workers, ratifications of treaties such as Palermo Protocol, Convention on Rights of Migrant workers and their families among other labor and migrant related conventions.

12. The legal policies in Nepal has obliged Federal and Provincial Government to make necessary arrangements for defending rights of Workers and promote Decent work in Nepal. The Local Government are obliged to fix minimum wage for construction related workers; The Right to Employment Act (2018) has provisioned office of Employment Information and Service in every local government. The Labor Audit has become mandatory for all establishments and a general standard for labor audit has been adopted in the year 2018. The recognition of seasonal workers, domestic workers and tea plan workers in National Labor Code are appreciable efforts. Yet, most of the labor standards are not applied and enforced adequately. As more than 65% of workers are in informal sector, social security provisions and minimum wage have not included informal sector workers in practicality. The Labor Code (2017) has provision to

adopt special laws for protecting domestic workers and seasonal workers, no such rules have been developed and applied yet.

13. The Labor Offices are the mandated authority for the enforcement of Labor Codes and legal provisions related to labor administration. The government of Nepal's Record shows that there are only 9 labor offices and 14 employment Information center established by Department of Labor and Occupational Safety. Where there are 106 official position and among which 50 are Gazette Officers. The Department of Labor and Occupational Safety Annual Progress Report (2018/19) reports that in recent fiscal year the officials have received 575 complaints, 750 child labor inspection, cases of 28 Industrial accidents and received 418 labor audit reports. The Labor Audit Standards have become a simple guidelines and have no accountability mechanism along with licensing and mandatory reporting of labor audit. There is no such specific checklist, guidelines and structured format for labor audit.

14. Nepal has been identified as one of the pathfinding country for implementing SDGs 8.7. The Government of Nepal has planned to implement consolidated efforts on tackling unfair labor relations, forced labor, modern slavery and taking up decent work for all into practice. For this purpose the government has drafted Alliance 8.7 implementation plan and has provisioned to set up designated office on Alliance 8.7, develop implementation and mobilization mechanism at province and local level. However, the Alliance 8.7 implementation plan has not been in full implementation and implementation and mobilization mechanisms have not been formed yet.

15. We call Nepal Government for

- *Ratification of ILO Convention 189, 190, 87, 97 and Protocol to Convention 29 for reaffirming it's commitment to end all unfair labor relation including forced labor*
- *Ratification of UN Convention on The Rights of Migrants and Their Families to ensure the rights of Nepalese in foreign employment are well protected.*
- *Facilitate Province Government for adopting labor policies to protect rights of workers and promote decent working conditions.*
- *Designate a dedicated Commissioner on Labor Relation and Workers Rights in Inclusion Commission, National Human Rights Commission and Women Commission with adequate human and technical resources.*
- *To revise Labor Audit Standards that includes accountability of auditors, licensing provision and standard checklist on labor audit.*
- *Delegate authority to confirm minimum wage and standards of employment, monitoring and record keeping at local level.*

- *Activate Alliance 8.7 implementation mechanism with CSOs participation at all levels.*

C. Women Workers in Nepal and Their Rights

16. Women Workers in Nepal are neglected and discriminated in several aspects.

Women workers in Nepal have faced several rights violation that is guaranteed by the constitution, fundamental labor convention by ILO and UN Human Rights Treaties as well as domestic labor laws. Women workers in Nepal, mainly in informal and undocumented sector, have been victims of violence, abuse, sexual harassment, exploitation, forced labor and practices similar to human trafficking.

17. According to the Nepal Labor Force Survey III (2018), among 71.5 million populations of working age 55.6% are female. But the disparities in labor market is significantly high. The Labor Force Participation Rate among women is 26.3% whereas among male it is 53.8%, Similarly employment to population ration is 22.9% among women and among men it is more than 48%. Women engagement is significantly high in unpaid and care work with more than 80%. Women workers in Nepal suffer multiple burden including unpaid and care work, discriminations and harassments at workplace. There is significant differences on wages and earning among women in comparison to men. The Nepal Labor Force Survey Reports that the earning gap between male and female is Rs.5834 (57 US\$) where an average monthly income of Nepali worker is Rs.17809 (US\$ 177)

18. The Labor Statistics of Nepal ^{ix} shows that among the total managerial employment position only 13.2% is shared by women. The number of female employees covered by social security scheme is only 13.6%. Only 14.8% of women employees have entitlement to paid sick leave. There are 36.9% workers identified as own account workers, which is 52.4% among women workers and among men it is 27.7% only. 39% of total workers in employment have to work excessive hours' work. 23.5% of employees have been recorded as low paid, which is 42.6% among women employees and among men it is only 16%.

19. Women workers in informal occupations such as Domestic Work, home based work, construction and agriculture employment are not recognized by law and their right to decent work is not protected and legal policy enforcement in these sectors have not been observed. Among domestic workers the average monthly wage is around Rs.10000 (US\$ 100), whereas the minimum wage fixed is Rs.13,450.00 (US\$134.00). 16.5% of the Domestic workers receives less than Rs.10 thousand a month and 31% of domestic workers are facing violence and abuse against domestic workers at workplace^x. There are estimated 200 thousand domestic workers in Nepal^{xi}.

20. Another area of women engagement in employment is Adult Entertainment industries. The Adult Entertainment Industries in Nepal means singing and dancing restaurant service such as *Dohori, Disco, Massage Parlor, Bar and Clubs*. It is estimated that there are around 2000 plus adult entertainment business mainly concentrated in urban and touristic area. There are more than 60 thousand women workers in this sector as estimated by civil society organizations. A study by the Freedom Fund (2019) confirms that 64% of women workers have faced sexually exploitative environment in this business. A study by Swatantrata Abhiyan Nepal and Others (2017)^{xii} confirms that 30% of entertainment workers have started employment at the age of less than 18 years; Only 5% of the workers were provided appointment letter or written contract, 95% have been with verbal agreement. The same report reveals that 34% has no fixed working hours; 68% of women workers have to cover expenses for work related expenses from own pocket; 84% have no leave facilities; 79% are not allowed to engage in trade unions and 41% have to work in menace of penalty and employed to work against their will.
21. Foreign Employment is one of the sector where women are engaged from Nepal. The foreign employment policy though seems positive and affirmative to women, due to protectionist notion women are curtailed in many aspects and on other sides are facing several vulnerabilities to violence, abuse, exploitation and trafficking practices. In recent days the labor migration from Nepal has been decreasing, this can be due to the employment promotion program and political stability in Nepal. Share of women in foreign employment is very low with less than 20% among the total outmigrant workers. Still during 2018/19 the ratio of unskilled migrant workers is 59 percent and women migrant workers are mainly employed in care giving, domestic work and other unskilled sectors.^{xiii}
22. Ban on Women Migrant Workers have curtailed women equal right to employment and freedom of choice of employment. Government of Nepal has banned Nepalese women to be employed in gulf countries in fear of trafficking, violence and sexual abuse, the banned after being continued for more than 5 years, recently has been loosen with the renewal of work permit is allowed. In this context hundreds of women have been intercepted who were attempted to migrate in foreign employment through the route of India and other nations. News reports and reports from National Human Rights Commission has confirmed that the victims were being trafficked. Thus, clearly evidence that the protectionist policy of banning women workers in foreign employment has further deepen the risk and vulnerabilities.

23. We call government of Nepal for

- *Revise existing Human Trafficking and Transportation Control Act in compatibility to the Palermo Protocol and including trafficking in women in foreign employment.*
- *Adopt procedures and guidelines for registration and documentation of informal sector workers at local governments.*
- *Devise policies to include informal sector workers- such as domestic work, construction, agriculture, adult entertainment - in contributory social security schemes.*
- *Enforce labor inspection and monitoring in domestic work and adult entertainment business.*
- *Include in country labor trafficking and trafficking for sexual exploitation in human trafficking and labor laws.*
- *Develop and implement Gender Audit system of employment and workplace practices to ensure safe, supportive and women friendly workplaces.*
- *Apply equal labor standards, eligibility and priority support for women workers in foreign employment.*
- *Lift all discriminatory and protectionist policies and practices.*

D. Child Labor in Nepal and their Rights

24. Child Labor in Nepal is one of the major challenge. Though, child labour is declining at the rate of 100,000 every year, Nepal still accounts for 1.6 million children between (5-17 years) in child labour. Of these 621,000 are estimated to be engaged in hazardous work. Estimates suggest that 60 per cent of children in hazardous workplace are girls (373,000)^{xiv}. The recent Nepal Labor Force Survey (2018) estimated 286 thousand children working for pay; 2.1 million (29.6 percent of child population) were involved in at least one activity related to producing goods for own final use. Involvement in these activities was more prevalent among girls (51 percent) than among boys (22.4 percent). Specific report on the updated status of child labor in Nepal is due to be produced till date.
25. The government of Nepal has endorsed the National Master Plan on Child Labour in 2018 aiming to end all forms of child labor by 2025 and all worst forms of child labor by 2022. However, the implementation plan of the national master plan on elimination of child labor has not been endorsed by the government of Nepal.
26. Nepal has formulated and enforced Child Labor Prohibition and Regulation Act (2000). The Act has been critically reviewed and criticized for it's limitations by civil society particularly on it's limited scope in formal establishment. The Act does not address child labor in informal sector, in supply chain, family

enterprises. The Act has provisioned child labor employment as civil disputes and criminalization and state as plaintiff has not been recognized. There is no provision of compensation for child labor victim in this law. The law on child labor has defined a list of hazardous labor, however has not defined process, occupation and task that can be considered as worst forms of child labor.

27. The current child labor prohibition and regulation act has designated, labor offices as the mandated authorities for inspection and prosecution of child labor cases. Currently there are only 11 labor offices all over country and are concentrated in industrial cities. The provision of labor inspector as defined by labor code have not been recruited. The shortage of human resources, limited resource allocation for child labor inspection have severely limited the government actions on child labor.

28. We call government of Nepal for

- *Take immediate measures for revision of Child Labor Prohibition and Regulation Act (2000),*
- *Endorse and enforce Implementation Plan of Master Plan to End child labor (2018-2028),*
- *Provide legal mandate and responsibilities to local government on taking actions on child labor prevention, monitoring and rescue and rehabilitation.*
- *Increase resource allocation on child labor inspection, prosecution;*
- *Deploy and mobilise labor inspectors with specific mandates on child labor inspection in supply chain, industries and family enterprises.*
- *Produce National Official Statistics and report on child labor.*

E. Traditional Forced Labor in Nepal and Their Rights

29. In Nepal, traditional bonded laborers are referred to as ‘*Kamaiya*’, ‘*Haliya*’ or ‘*Haruwa-Charuwa*’. The phenomenon has arisen out of unequal agrarian relations and discrimination based on ethnicity and caste. Landless, Dalit and *untouchables communities* are often forced by their circumstances to borrow sums of money from rich landowners to meet their various subsistence needs. Generations of a family get trapped in this cycle of loan repayment – working as laborers without pay for the landlords. There are 32 thousand *Kamaiya* (Outlawed in 2000), 5 thousand plus *Kamlahri* (Outlawed in 2006), Twenty Thousand *Haliya* (Banned in 2008) and 70 thousand plus *Haruwa-Charuwa, Bhunde, Deuki, Badi, Balighare, Khalo, Ritibhagya*^{xv}. In addition to the traditional forms of bonded labor; the enslavement and slavery like practices with debt bondage and forced labor, exist in Brick Industries, foreign employment, adult entertainment industries, child enslavement in embroidery industries. Over two million Nepalese men and women have migrated to work

abroad to work as domestic workers, construction workers, or in other low-skill labor jobs.

30. Nepal has been able to make significant reduction on traditional forms of forced labor and bonded labor practices. The Government of Nepal together with development partners have been implementing Freed Kamaiya and Freed Haliya Rehabilitation programs with provision of land allocation and support for house construction. The programs also includes skill training opportunities for the freed Haliya and Kamaiya. So far almost 90 percent of freed Kamaiyas have been provided rehabilitation support, and the Government of Nepal is in the process of providing assistance for the rest. Despite the release of large numbers of Haliya bonded laborers, measures taken by the Government of Nepal are limited and have been further undermined by poor coordination between government departments, and a lack of policy coherence.
31. Several existing acts also provisioned to provide free legal aid, compensation and protection facilities as required. In number of cases the forced labor, child labor and slavery have been considered as state offense crime and made state as plaintiff. The response of law enforcement and the judiciary to bonded labor has also been weak. Since 2002, there have only been 2-3 cases prosecuted under this law with nominal fines given to the employers. Haruwa Charuwa are yet not declared free and the rehabilitation services and interventions are not applied by government.
32. The government of Nepal has initiated the process of revising the existing Bonded Labor Act in 2018 to widen its scope to address all forms of bonded labor in the agriculture sector. Yet, the bill has not been finalized and produced in parliament.
33. **We call government of Nepal to take following actions:**
 - *Immediately declare the freedom from all debt bondage and unfair debts imposed on Haruwa Charuwa along with national data collection/survey and rehabilitation package with land and house support and skill training packages.*
 - *Bring Integrated Act to end All forms of Forced and Bonded Labor that has expanded scope of modern and traditional forms of slavery, preventive measures, inspection and rehabilitation through local government, prosecution by labor offices and compensation for victims.*
 - *Priorities the victim of traditional slavery (Haruwa Charuwa, Kamaiya and Haliya) on access to land and house to be implemented by Commission on Land Problem Solution.*

F. Migrant Workers from Nepal and their Rights

34. Foreign Employment has remained as one of the major employment providers to Nepali labor force and also a contributor of national economy. The remittances received from foreign employment shares almost one third of the national economic volume. The volume of financial remittance was 8.79 billion USD in 2018/19. The share of workers taking up low-skilled work is high at 59 per cent (2018/19). Given the temporary nature of labour migration with a disproportionate share of employment contract duration of two years, both repeat and return migration feature prominently in Nepal's migration profile. In 2018/19, 272,616 labor permits have been renewed by the department for foreign employment.^{xvi}

35. Foreign Employment in Nepal is criticized for practices similar to forced labor, slavery and even labor trafficking. The governing law of foreign employment has authorized recruitment agencies to charge recruitment fee from workers. Though government has applied Rs. 10000 (100 US \$ Fee) for recruitment for certain countries, it has not been followed. The National Human Rights Commission Report on Access to Justice among migrant workers^{xvii} charging of high recruitment fees, document substitution, use of fraudulent documents, use of threat for not complaining and employment in forced situation abroad including occupational hazards, deaths and injuries of migrant workers. National Human Rights Commission Trafficking in Person Report (2019) confirmed practices of human trafficking and denial of justice for migrant workers.^{xviii}

36. The migrant workers upon returning have been non recognized and un addressed by state policies and programs. As per the Nepal Labour Force Survey 2017/18, an analysis of the profile of recent returnee migrant workers in Nepal shows that 42.8 per cent are employed, 13.4 per cent are unemployed and 43.8 per cent are out of the labour force. The government of Nepal has devised subsidized loan for entrepreneur support to returnee migrants, however these schemes are often captured by political elites, local brokers and real returnee migrants are denied and deprived due to bureaucratic hassles and lack of facilitation support. The current Act on Contributory Social Security does not address the migrant workers.

37. The foreign employment governance has several institutions to support migrant workers including diplomatic mission in respective countries, along with foreign employment board, foreign employment tribunal and Migrant Workers Welfare Fund. The government of Nepal has adopted legal representation procedures for workers in difficult situation in destination nations. The Migrant Workers Welfare fund is used only for the documented workers and mostly in case of

workplace accidents, dead and transporting dead body to Nepal. The legal representation practices have not been enjoyed by the migrant workers in past 3 years of its adoption.

38. Positively the government of Nepal has started process of employers pays principles, adopted bilateral agreement with destination countries. This has protected large number of aspiring migrant workers from being trapped in unfair debt. However, the recruitment agencies are charging excessive recruitment fees without receipt to the workers. The Recruitment Agencies challenged government on not implementing employers pays principles and stopped facilitating recruitment for aspiring workers.

39. We call government of Nepal

- *To take immediate actions for amendment of Foreign Employment Act (2007) that confirms the provision of employer pays principle, equal opportunities for women workers, stricter monitoring and response from diplomatic mission in destination countries.*
- *To adopt legal policy measures to recognize the incidence of human trafficking in foreign employment recruitment practices, provide adequate victim assistance and protection services.*
- *To adopt policy to examine skill and provide skill certificate from Government authority not the private institute.*
- *To allow foreign employment only in those countries which has Bilateral agreement or a common consensus at multilateral level.*
- *Adopt voting rights for migrant workers from foreign nation.*
- *Revise foreign employment policy to include updated international standards, norms and changing governance structure.*
- *To Include migrant workers in contributory social security schemes;*
- *To promote opportunities of employment to apply learnt skills in home country through subsidized loan, grant and other entrepreneurship and employment facilitation service.*

G. COVID Crisis and Workers Situation

40. The COVID-19 Crisis has hard hit the daily wage, women, Child Labor and migrant workers. With the enforcement of Country Lock Down in 24 March 2020, Almost all informal sector workers lost their job without any social protection support and facilities. This has resulted hunger, deprivation and forced exist from the city without known destination among these population. During the Period of April-May 2020, more than 200 thousand informal sector working population left the city on foot without any safety, facilities and protection.

41. The members of FLeAG supported more than 1500 families of workers with food package support, however this helped them to sustain only two months. Women workers in domestic work were unpaid of their due salary by employers, dismissed from the job without any additional support by the employers. Domestic Workers Forum Nepal supported 400 such workers during the lockdown through facilitating them to access government provided relief package. A significant number of women workers in adult entertainment industries reported they were forced in sex work, sexual exploitation and pornography to live in this period.
42. Government provided relief package to the poorest population, yet the documentation process and certification process that requires the landlords, employers or house owners (where they are tenant) prevented larger number of workers and their families accessing from relief; as these actors did not certify and recommended their status. Children of daily wage workers are denied of public education as the schools are closed down and have no access to distance mode of teaching learning practices such as TV class and online class.
43. Child laborers have faced significant increase in work load (particularly in domestic work); verbal and physical abuse, violence and isolation from their biological families.
44. Government of Nepal took the efforts for bringing migrant workers back to home country on their free will. Such facilities have helped more than 5000 migrant workers till the date. However, undocumented, trafficked and smuggled migrant workers are remained unaddressed by such initiatives. The migrant workers have faced psychological trauma and fear of uncertainty after returning back to the country.
45. **We call the Government of Nepal and Global Community for**
 - *Immediate data collection and implementation of relief employment schemes to the job less workers in country with added social protection allowances in minimum wage.*
 - *Provide support from migrant workers welfare fund on home country return service to the undocumented, trafficked and smuggled migrant workers, migrant workers who are unable to pay airfare*
 - *Increase social monitoring and police response to the violence, abuse and exploitation against child labor*
 - *Improve quarantine and holding facilities with psychological care, proper and adequate health care, information and education services for local employment and entrepreneurship.*
 - *We call global community to provide unconditional grant and support to the least developed countries for responding to the poorest families and prevent them from falling in extreme poverty and deprivation.*

- *We call migrant workers destination countries and the government to adopt legal, policy, programmatic and social protection measures for supporting migrant workers, providing legal safeguard against unfair dismissal from employment.*

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- ⁱ Human Development Report 2019, United Nations Development Program.
- ⁱⁱ Annual Household Survey 2016/17, Central Bureau of Statistics, Government of Nepal
- ⁱⁱⁱ National Economic Survey 2018, Central Bureau of Statistics, Government of Nepal.
- ^{iv} National Account 2075/76, Central Bureau of Statistics 2018.
- ^v Nepal Multidimensional Poverty Index Analysis Towards Action, 2018. Government of Nepal National Planning Commission.
- ^{vi} Nepal Labor Force Survey III (2018), Central Bureau of Statistics, Government of Nepal.
- ^{vii} Global Slavery Index 2018, Walk Free Foundation.
- ^{viii} Nepal is not party to International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003 and International Convention for the Protection of all Persons from Enforced Disappearance (2010).
- ^{ix} Report on Nepal Labor Force Survey 2017/18, Central Bureau of Statistics, Government of Nepal.
- ^x Employers Perspective on Domestic Work in Nepal, Domestic Workers Forum and Swatantrata Abhiyan Nepal, 2017.
- ^{xi} Isolated within Walls, General Federation of Nepalese Trade Unions, 2009.
- ^{xii} Ignored and Denied; Swatantrata Abhiyan Nepal, Biswas Nepal, Shakti Samuha, Women Forum for Women Nepal and Change Nepal 2017.
- ^{xiii} Nepal Labor Migration Report 2020, Government of Nepal, Ministry of Labor, Employment and Social Security.
- ^{xiv} ILO Fact Sheet on Child Labor in Nepal; (<https://www.ilo.org/kathmandu/areasofwork/child-labour/lang--en/index.htm>, Accessed - July 6, 2020)
- ^{xv} Forced labour of adults and children in the agriculture sector of Nepal: focusing on Haruwa-Charuwa in eastern Tarai and Haliya in far-western hills / Bal Kumar KC, Govind Subedi, Bhim Raj Suwal; International Labour Organization.- Kathmandu : ILO, 2013.
- ^{xvi} Nepal Labour Migration Report 2020, Ministry of Labor Employment and Social Security.
- ^{xvii} Research Report on The Situation of the Rights of Migrant Workers Recruitment Practices and Access to Justice of Migrant Workers; National Human Rights Commission, November 2019.
- ^{xviii} National Report on Trafficking in Person, National Human Rights Commission, Office of National Rapporteur on Trafficking in Person, 2019.